

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2724

Barry Pugh,	*	
	*	
Plaintiff - Appellant,	*	
	*	
James Copeland,	*	
	*	Appeal from the United States
Plaintiff,	*	District Court for the
	*	Eastern District of Arkansas.
v.	*	
	*	[UNPUBLISHED]
L. A. Darling Company,	*	
	*	
Defendant - Appellee.	*	

Submitted: January 14, 2004

Filed: May 11, 2004

Before LOKEN, Chief Judge, FAGG and BOWMAN, Circuit Judges.

PER CURIAM.

After his employment was terminated for excess absenteeism, Barry Pugh filed suit against his former employer, the L.A. Darling Company, under the Family and Medical Leave Act (FMLA). See 29 U.S.C. §§ 2601–2654 (2000). The District

Court¹ granted summary judgment in favor of the defendant and dismissed the case. Pugh appeals the grant of summary judgment and urges that the District Court erred when it determined that he failed to establish a FMLA claim and when it determined that he failed to establish a prima facie case of retaliation. We review the grant of summary judgment de novo. See Gen. Trading Int'l, Inc. v. Wal-Mart Stores, Inc., 320 F.3d 831, 835 (8th Cir. 2003). We agree that the record at summary judgment does not support Pugh's contention that certain of his absences were covered by his prior FMLA requests, that he was penalized for these covered absences, and that he provided the company with sufficient notice of his anxiety disorder so as to invoke the FMLA. We also agree that Pugh has failed to make out a prima facie case of retaliation insofar as he cannot establish a causal connection between his previous invocation of the FMLA and his eventual termination. Accordingly, we affirm based on the well-reasoned opinion of the District Court. See 8th Cir. R. 47B.

¹The Honorable Garnett Thomas Eisele, United States District Judge for the Eastern District of Arkansas.